

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2012-008010

06/25/2013

HON. JOHN REA

CLERK OF THE COURT
L. Gilbert
Deputy

ROBERT J BARON

ROBERT J BARON
5025 N CENTRAL AVE #150
PHOENIX AZ 85012

v.

JAMES E DILLARD, et al.

NATHAN P BORDEGARAY

SCOTT A ALLES
JUDGE VERDIN

MINUTE ENTRY

The Court has received and reviewed Plaintiff Robert Baron's June 18, 2013 Motion for Change of Judge for Cause filed against the Honorable Maria del Mar Verdin.

Rule 42(f)(2), A.R.Cv.P. and A.R.S. § 12-2409 provide that, if a party alleges grounds for removal of a judge based upon cause, the matter shall be heard by another judge and the issue decided by a preponderance of the evidence. However, before setting an evidentiary hearing, the court must first determine whether, on its face, the affidavit alleges facts which, if true, warrant disqualification. In *Smith v. Smith*, 115 Ariz. 299, 564 P.2d 1266 (App. 1977), the Arizona Court of Appeals held:

The bias and prejudice necessary to disqualify a judge must arise from an extrajudicial source and not from what the judge has done in his participation in the case.

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The pending motion fails to state valid grounds upon which to remove Judge Verdin for cause. The allegations regarding bias and prejudice all involve the Judge's participation in the case. There is no allegation of bias and prejudice from an extrajudicial source.

IT IS ORDERED denying Plaintiff's Motion for Change of Judge for Cause.

IT IS FURTHER ORDERED remanding this matter to Judge Verdin for all further proceedings.

ALERT: The Arizona Supreme Court Administrative Order 2011-140 directs the Clerk's Office not to accept paper filings from attorneys in civil cases. Civil cases must still be initiated on paper; however, subsequent documents must be eFiled through AZTurboCourt unless an exception defined in the Administrative Order applies.